

REMARKS/ARGUMENTS

Claims 8-11 have been amended. New claims 12-21 have been added. After entry of the amendments, claims 8-21 remain in the application for further prosecution.

Elections/Restrictions

Affirmation is made of an election of Group 1, claims 8-11, without traverse. Applicants reserve the right to file a divisional application directed to any of the unelected Groups.

Claim Rejections – 35 U.S.C. § 102

Claims 8-10 were rejected under Section 102(b) as being anticipated by Mostardo (U.S. Patent No. 5,193,116). Applicants respectfully submit that claims 8-10 as amended are patentable over Mostardo. Claim 8 calls for “a coil having a coil opening defining an axis therethrough; and a circuit board wherein at least a **surface** portion thereof is **positioned against said coil** in a **substantially perpendicular** relationship to said axis.” By contrast, the axis through the opening of the drive coil 38 is in a **parallel relationship** with the surface of the ceramic mounting board 52 shown in Mostardo. Nothing in Mostardo suggests positioning the surface of the ceramic mounting board 52 against the drive coil 38 such that an axis defined through the opening in the drive coil 38 is substantially perpendicular to the ceramic mounting board 52. In fact, such an arrangement would be impossible using the teachings of Mostardo because the fixed end 26 of the operative element is disposed through the opening of the drive coil 38. Accordingly, Applicants respectfully submit that claim 8 is patentable over Mostardo for at least the reasons given above. In addition, claims 9-10, which depend from claim 8, are also patentable for at least the reason that claim 8 is patentable. Therefore, Applicants respectfully submit that claims 8-10 are allowable and favorable action toward that end is requested.

Claims 8 and 10-11 were rejected under Section 102(b) as being anticipated by Salvage et al. (U.S. Patent No. 5,708,721). The Examiner has considered the pole assembly 18 shown in Salvage as a circuit board of the magnetic circuit in the acoustic transducer 10. Claims 8 and 10-11 have been amended to call for an **electric** circuit board. Salvage et al. does not teach or suggest that the pole assembly 18 can be an electric circuit board. Accordingly, Applicants respectfully submit that claim 8 is patentable over Salvage et al. for at least the reason that

Salvage does not teach or suggest an electric circuit board as claimed. In addition, claims 10-11, which depend from claim 8, are also patentable for at least the reason that claim 8 is patentable. Applicants respectfully request that claims 8 and 10-11 be allowed.

Claims 8-11 were rejected under Section 102(b) as being anticipated by Sternfeld et al. (U.S. Patent No. 3,502,822). Like the structure identified by the Examiner as a circuit board in Salvage, the structure identified by the Examiner as a circuit board in Sternfeld is a magnetic core pole structure (41, 42, 43, 44). Claims 8-11 have been amended to call for an **electric** circuit board, which is not taught or suggested anywhere in Sternfeld, which issued in 1970. Accordingly, Applicants submit that claim 8 is patentable for Sternfeld for at least the reason that Sternfeld does not teach or suggest an electric circuit board as claimed. In addition, claims 9-11, which depend from claim 8, are also patentable for at least the reason that claim 8 is patentable. Favorable action is therefore requested.

New claims 12-15 depend from claim 8, which is believed to be patentable, and do not constitute new matter. Therefore, claims 12-15 are believed to be in condition for allowance.

New claim 16 further calls for an electric circuit board having signal processing electronics. None of the cited references teaches or suggests an electric circuit board wherein at least a surface portion thereof is positioned against a coil in a substantially perpendicular relationship to the axis, the electric circuit board including signal processing electronics. New claims 17-21 depend from claim 16 and are believed to be patentable for at least the reason that the claim from which they depend is patentable.

Conclusion

It is the Applicants' belief that claims 8-21 are now in condition for allowance and action towards that effect is respectfully requested.

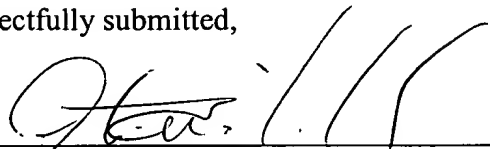
If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

The Commissioner is authorized to charge any additional fees which may be required (except the issue fee) to JENKENS & GILCHRIST, P.C., Deposit Account No. 10-0447(47161-00031USPX).

Dated: November 26, 2003

Respectfully submitted,

By


Justin D. Swindells
Reg. No. 48,733
JENKENS & GILCHRIST, P.C.
225 West Washington Street, Suite 2600
Chicago, IL 60606-3418
Attorneys for Applicants

Tel.: (312) 425-3900